



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/089,041

08/27/2002

Rainer Grimm

60130-1369

9570

26096 7590 06/18/2009
CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

REDMAN, JERRY E

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/089,041	Applicant(s) GRIMM ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18, 20-30, 33-40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 and 42-46 is/are allowed.
- 6) ☒ Claim(s) 13-18, 20-30, 33-37, and 39-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>approved drawings</u> . |

The applicant's proposed drawings dated 3/11/2009 have been approved by the Examiner and are attached hereto.

The status of the claims is as follows:

Claims 1-12, 19, 31-32, and 41 have been cancelled; and

Claims 13-18, 20-30, 33-40, and 42-46 are herein addressed below.

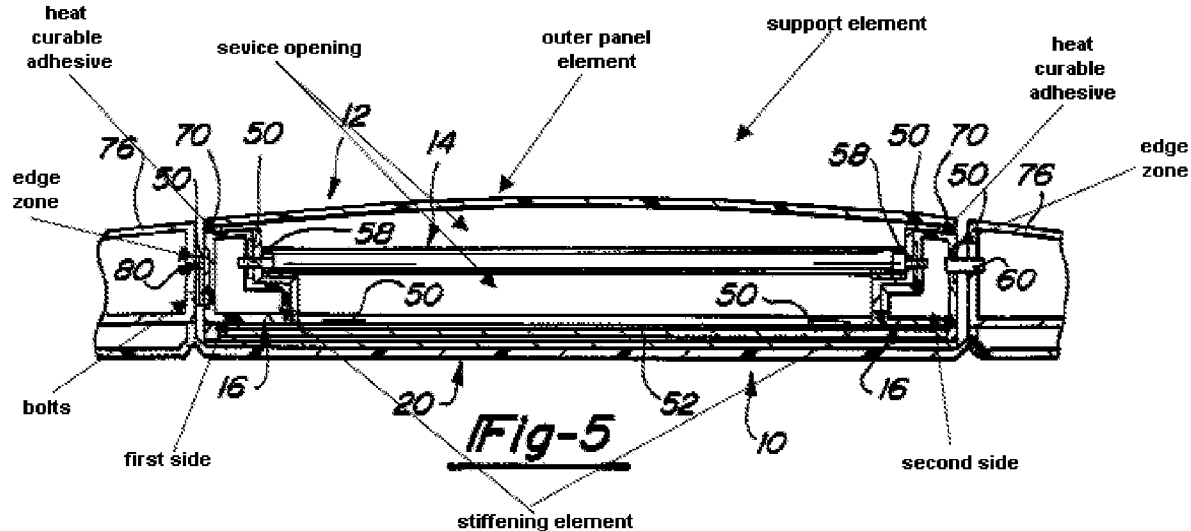
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-18, 20-30 and 34-35, 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritchie (5,857,732). Ritchie (5,857,732) discloses a vehicle door module comprising a support element (see figure below), an outer panel element (12) to close the service opening along an edge zone, an elongated metal stiffening element (50), a spacing element (70) in the form of a heat curable adhesive (column 4, lines 34-67) which allows adjustability between the parts (i.e., the outer panel element and the elongated stiffening element) in two dimensions, which are to be fastened, and bolts (80) detachably joined to the stiffening element (50) and support element, an interior panel element (20), and a hinge (80).

Art Unit: 3634



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie (5,857,732). All of the elements of the instant invention are discussed in detail above except providing the elongated stiffening element to be trapezoidal in shape and to have the spacing element contacting two perpendicular surfaces. With respect to claim 33 it would have been a matter of design choice to shape the stiffening element of Ritchie (5,857,732) to be trapezoidal in shape since a trapezoidal hollow shape and an L-hollow shaped would perform equally as well for supporting the vehicle door and would have been obvious to one of ordinary skill in the art at the time of the invention to provide the stiffening element of Ritchie (5,857,732) to be trapezoidal in

Art Unit: 3634

shape. Furthermore, the Examiner takes official notice that the shape of the hollow stiffening element would perform equally as well as any shape, including trapezoidal. With respect to claims 36-37, it would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the spacing element along the meeting edges (i.e., along to perpendicular surfaces) of the elongated stiffening element and the outer panel since it is well known to provide a "bead" of weld along the weakest point between two surfaces and one of ordinary skill in the art at the time of the invention would apply an extra layer of "spacing element" to enhance the rigidity between two elements (i.e., the stiffening element and the outer panel).

Claims 38, and 42-46 are allowable.

The applicant's arguments have been considered but are not deemed persuasive. The applicant argues that the art of record, specifically Ritchie, does not disclose the spacing element contacting the stiffening element, the support element, and the outer panel element. As shown and discussed in detail above, the spacing element clearly contacts the outer panel element and the stiffening element. Furthermore, the applicant recites "the support element" which is read on Ritchie as being any and/or all parts of the "shell" of the door which forms the service opening in which almost all automobile doors have and therefore the spacing element would clearly be in contact with another other portion of the door that's not defined by the stiffening element and the outer panel element.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Mitchell, can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3634

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerry Redman/
Primary Examiner, Art Unit 3634